



General Assembly

Amendment

February Session, 2004

LCO No. 3200

SB0037503200SD0

Offered by:

SEN. SULLIVAN, 5th Dist.
SEN. LOONEY, 11th Dist.
SEN. WILLIAMS, 29th Dist.
SEN. PETERS, 20th Dist.
SEN. NEWTON, 23rd Dist.

To: Subst. Senate Bill No. 375

File No. 87

Cal. No. 104

***"AN ACT CONCERNING REVISIONS TO THE UTILITY
STATUTES."***

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (d) of section 16-331 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective July*
5 *1, 2004*):

6 (d) (1) An initial certificate issued prior to June 1, 1988, shall grant a
7 franchise for fifteen years, provided that for certificates issued prior to
8 January 1, 1975, the initial franchise term shall be deemed to end for
9 four such companies each year, starting in 1989, in order of those
10 companies having the highest gross revenues under chapter 211 or
11 212a during the calendar year ending December 31, 1982. An initial,

12 renewal or transfer certificate issued on or after June 1, 1988, shall
13 grant a franchise for a term of [not less than five years and] not more
14 than [ten] two years. [, except that under special circumstances, as
15 described in subdivision (2), a franchise may be granted for a term of
16 more than ten years but not more than fifteen years.] The department
17 shall have the discretion to determine the appropriate length of a
18 franchise term, initial, renewal or transfer, and in making its decision
19 shall consider the following without limitation: (A) The operator's past
20 performance in terms of meeting the needs of the cable-related
21 community; (B) the operator's past performance in terms of complying
22 with the material terms of the existing franchise; (C) the operator's
23 compliance with department regulations and the general statutes; (D)
24 the ability of the operator's management to properly operate the
25 franchise; (E) the operator's effectiveness in dealing with consumer
26 requests, complaints and billing questions or disputes; (F) the
27 operator's effectiveness in dealing with the advisory council; (G) the
28 quality and diversity of the operator's programming; (H) the quality of
29 the operator's community access programming, including public
30 access, educational access and governmental access programming, in
31 accordance with the provisions of subdivision [(3)] (2) of this
32 subsection; (I) the quality of the operator's equipment and facilities; (J)
33 the operator's proposals for future extensions and upgrading to
34 technologically advanced equipment, facilities and systems; (K) the
35 operator's past performance in terms of meeting the needs of the cable-
36 related community by providing African-American and Hispanic
37 programming; (L) the operator's good faith efforts, as determined by
38 the department, to provide service, when practicable, to all customers
39 within the service area; (M) the operator's past performance in making
40 available addressable converters, traps or other devices or services
41 which enable subscribers to voluntarily block transmission of specific
42 programming to their homes or places of business; and (N) the
43 applicant's provision of innovative services, including audio services,
44 information services, electronic publishing and information concerning
45 the proceedings of the General Assembly and legislative committees.

46 [(2) Under special circumstances, the department in its discretion,
47 may issue, renew or transfer a franchise for a term of not more than
48 fifteen years if the franchisee has committed itself, as outlined in the
49 franchise agreement, to provide or maintain technologically advanced
50 equipment, facilities and systems, as determined by the department, to
51 enhance and promote technologically advanced educational
52 programming and to comply with specific quality of service standards,
53 including, but not limited to, the time between installation and repair
54 following a subscriber request, the response time to consumer
55 complaints and the quality of the operator's customer service policies
56 and practices.]

57 [(3)] (2) In evaluating the quality of community access programming
58 the department shall consider, without limitation, (A) compliance with
59 federal laws governing noncommercial educational broadcast stations
60 and public broadcast stations, and state laws governing community
61 access, including, but not limited to, sections 16-333-31 to 16-333-36,
62 inclusive, of the regulations of Connecticut state agencies; (B)
63 compliance with the terms of the franchise certificate, which apply to
64 community access; and (C) compliance with requirements involving
65 community access contained in any order of the department which
66 applies to the community antenna television system.

67 [(4)] (3) If the department, on or after June 1, 1988, approves the
68 transfer of a certificate, the franchise term of such transferred
69 certificate shall be the remaining duration of the franchise term
70 originally granted unless the department grants a different term, the
71 appropriate length of which shall be determined by the department
72 under this subsection. A certificate may be renewed for an additional
73 term, the appropriate length of which shall be determined by the
74 department under this subsection, if the department finds that the
75 holder of the certificate has complied with the provisions of the
76 Communications Act of 1934, 47 USC 546.

77 [(5)] (4) The department shall adopt regulations in accordance with
78 chapter 54, establishing procedures and standards for the renewal of

79 certificates issued to community antenna television companies. Such
80 regulations shall, without limitation, (A) incorporate the provisions of
81 the Communications Act of 1934, 47 USC 546, (B) require the
82 department to consult with the advisory council for the franchise area
83 served by the certificate holder before making a decision concerning
84 the renewal of the certificate, (C) require any holder of a certificate
85 which is not renewed by the department to continue to operate the
86 franchise for one year after the end of its term or until a successor is
87 chosen and ready to assume control of the franchise, whichever is
88 sooner, (D) establish standards for the content of notices sent to cable
89 subscribers concerning public hearings for franchise renewal
90 proceedings which standards shall include, without limitation, the
91 requirements specified in subdivision (6) of this subsection, (E)
92 establish standards to ensure that the costs and expenses of a
93 municipality constructing, purchasing or operating a community
94 antenna television company are accurately attributed to such
95 company, and (F) establish quality standards for the instructional and
96 educational channels. The department shall adopt regulations
97 pursuant to this subdivision in conjunction with the Commission for
98 Educational Technology.

99 [(6)] (5) Any community antenna television company which applies
100 to the department for the renewal of a franchise shall: (A) Make
101 available for public inspection a copy of the company's proposal for
102 renewal at the town hall, each public library and the primary senior
103 center, as determined by the chief executive official of each
104 municipality of its franchise area and at the company's primary
105 customer service center and community access facility, and (B) notify
106 each subscriber of any public hearing for a franchise renewal, which
107 notices shall be mailed by first class mail to each subscriber not less
108 than fourteen days in advance of any public hearing and shall state in
109 plain language the time, place, date, address and subject matter of the
110 hearing, and in boldface print shall state that public participation is
111 encouraged. The notice shall also provide information concerning the
112 locations where the company's proposal for renewal may be reviewed,

113 and shall not contain any billing, promotional or extraneous
114 information."

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| This act shall take effect as follows: | |
| Section 1 | <i>July 1, 2004</i> |